

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Promoting Interoperability in the 700 MHz)	WT Docket No. 12-69
Commercial Spectrum)	
)	
Interoperability of Mobile User Equipment)	
Across Paired Commercial Spectrum Blocks)	
in the 700 MHz Band)	

COMMENTS OF THE EDISON ELECTRIC INSTITUTE

The Edison Electric Institute ("EEI"), on behalf of its member electric utilities, hereby submits the following comments in the above-referenced proceeding in response to the Federal Communications Commission's ("FCC" or "Commission") request for comments on issues related to promoting interoperability in the 700 MHz band as well as promoting the interoperability of mobile equipment across the band.¹

EEI is an association of United States investor-owned electric utilities and industry associates worldwide. Its U.S. members serve almost 95 percent of all customers served by the shareholder-owned segment of the U.S. industry, about 70 percent of all electricity customers, and generate about 70 percent of the electricity delivered in the U.S. EEI frequently represents its U.S. members before Federal agencies, courts and Congress in matters of common concern, and has filed comments before the Commission in various proceedings affecting the interests of its members.

¹ See FCC, Notice of Proposed Rulemaking, WT Docket No. 12-69 (March 221, 2012) ("NPRM").

EEI's members make extensive use of communications as providers of critical utility services, both as owners and operators of private communications systems, and as end-users of commercial communications networks. They are in fact among this nation's largest users of communications networks and services and, as was recognized in the National Broadband Plan, have a growing need for spectrum in order to carry out their core mission of safely and reliably delivering electric service to most, if not all, of the nation's residential and business consumers.² Consequently, electric utilities have a strong interest in ensuring the interoperability of mobile equipment and networks in order to ensure the efficiency and reliability of utility communications, particularly during and in the immediate aftermath of emergency situations, when communications may be disrupted.

Cognizant of electric utilities' need for spectrum, Congress in adopting the Spectrum Act afforded electric utilities and other critical infrastructure industry ("CII") entities the opportunity to access or use the 700 MHz Public Safety Broadband Network ("PSBN") on a secondary basis, including network capacity and network equipment and infrastructure.³ Electric utilities, in particular, are very interested in so doing provided they can access or use the network on terms that make both operational and economic sense. With these concerns in mind, EEI's comments respond to questions posed by the Commission regarding whether it should (a) adopt a broader interoperability mandate and (b) mandate mobile device interoperability in the event that industry is unable to develop a voluntary standard.

² See Fed. Comm'n's Comm'n, *Connecting America: The National Broadband Plan* 253 (2010), available at <http://www.broadband.gov/download-plan> ("National Broadband Plan").

³ See e.g. Middle Class Tax Relief and Job Creation Act of 2012 § 6208, Pub. L. No. 112-96, 126 Stat. 156 (2012) ("Spectrum Act").

In Paragraph 46 of the NPRM, the Commission asks whether it should adopt an interoperability mandate across the entire 700 MHz commercial band, despite unique interference environments and potential technology-related issues. EEI submits that, to the extent that it is technically feasible, the FCC should, mandate interoperability across the entire 700 MHz band including both the commercial and public safety segments. EEI anticipates that various electric utilities will use commercial 700 MHz band networks as well as the PSBN to help satisfy their communications needs. Mobile equipment which is capable of operating as broadly as possible would have the effect of significantly reducing utility costs and facilitating ease of network use by utilities as well as by other CII entities. In fact, it was in order to promote such interoperability that Congress mandated that the First Responder Network Authority "promote competition in the equipment market...by requiring that equipment for use on the [PSBN] network be...capable of being used by any public safety entity and by multiple vendors across all public safety broadband networks operating in the 700 MHz band."⁴ From an electric utility perspective, this level of broad interoperability across the 700 MHz band is critical if utilities are to be able to access the PSBN on terms which make operational and economic sense. Among other things, interoperability between systems on the PSBN, including both commercial and public safety networks, in certain instances, will realize key efficiencies of the PSBN likely to result in cost savings for public safety entities, electric utilities and other authorized users of the PSBN, in turn providing a substantial benefit to the public at large.

⁴ *Id.* at § 6206(b)(2).

In Paragraph 49 of the NPRM the Commission asks whether it should mandate mobile device interoperability in the event that the industry is unable to develop a voluntary solution. EEI agrees with the Commission that industry solutions are preferable because they promote greater flexibility — an ambition of particular importance in view of the fact that the PSBN is in its early developmental stages. Consequently, EEI urges the Commission to allow the industry sufficient opportunity to develop a voluntary, industry-driven solution. In the view of EEI, the Commission should only consider taking steps to mandate interoperability standards or requirements as a last resort, and only in the event that a clear market failure has been demonstrated.

WHEREFORE, for the foregoing reasons, EEI respectfully requests that the Commission consider these comments and ensure that any Commission action taken with respect to network interoperability is consistent with them.

Respectfully submitted,

EDISON ELECTRIC INSTITUTE

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